

REMARKS

Applicants have carefully reviewed the Office Action mailed on October 7, 2008. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. Claim 15 remains pending.

Claim Rejections Under 35 U.S.C. §112

Claim 15 is rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the Examiner indicated that claim 15 recites a non-woven traction member and that “[t]here is no support for this language in the specification or the originally filed claims and therefore, it has been determined that this recitation constitutes new matter.” We respectfully disagree.

MPEP §2163.03 states that “[t]he subject matter of the claim need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the description requirement.” Therefore, a written description rejection is not proper just because the specification does not literally include the words “non-woven”.

“To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. MPEP §2163 citing *Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d at 1563, 19 USPQ2d at 1116. MPEP §2163 also states, quoting *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572 (Fed. Cir. 1997), that “[a]n applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.” Thus, support for “non-woven” may be found not only in the words of the description, but also the figures. Figures 1-15 illustrate various traction members. None of these traction members, however, are woven. Therefore, one of ordinary skill in the art can readily appreciate that Applicants had possession of the claimed invention, namely a traction member that is not woven, at the time the application was filed.

Furthermore, the limitation "non-woven" is a negative limitation. Negative limitations are permissible. See: MPEP §2173.05(i).

Based on the forgoing, Applicants respectfully submit that claim 15 is adequately supported by the application so as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. Consequently, the rejection should be withdrawn in due course.

Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By their Attorney,

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